

### REMARKS

Applicants have amended claims 1, 5 to 7, 10, 12 and 13, and have canceled claims 2 and 9. Accordingly, claims 1, 3 to 8, and 10 to 13 are presently pending in this patent application. Applicants now address each and every point raised by the Examiner in the above-identified Office action as follows:

#### I. Objection to the Drawings

The drawings have been objected to for allegedly not including the reference numeral 56 in reference to diameter 56. Applicants are enclosing herewith a Request for Approval of Drawing Corrections Under 37 CFR §1.121(d), that includes a replacement FIG. 2 that has been amended to include reference numeral 56. The drawings were also objected to because they included the reference numeral 28 that was not recited in the description. Applicants have amended the specification to make reference to reference numeral 28.

In view of the above, Applicants respectfully request that the objection to the drawings be reconsidered and withdrawn.

#### II. Objection to the Abstract

The abstract has been objected to for allegedly being too long. Applicants have amended the abstract as presented above and submit that the amended abstract conforms to the length requirement noted by the Examiner. Applicants, therefore,

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respectfully request that the objection to the abstract be reconsidered and withdrawn

III. Objection to the Specification

The specification has been objected to for informalities noted by the Examiner and Applicants have amended the specification as noted above. Applicants submit that the presented amendments address the issues raised by the Examiner and do so without introducing new matter. With respect to the Examiner's comments relating to the recitation "means for maintaining", Applicants submit that this language was present in the specification (at page 3, line 29 running through page 4, line 7). In view thereof, Applicants respectfully request that the rejection of the specification be reconsidered and withdrawn.

IV. Claim Objections

Claims 1, 7 and 13 have been objected to for informalities. Applicants have studied the Examiner's basis for this rejection and do not agree that the suggested amendments of these claims are correct. The term "unison" as recited in the noted instances for these claims is not being used to refer to an element of the actuation assembly or turbocharger. Rather, the term "unison" as recited in these instances is being used to describe how the vanes are moved, i.e., in unison or all at the same time. Accordingly, Applicants submit that adding the term "ring" after this instance of using the term "unison" is not proper.

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In view thereof, Applicants respectfully request that the objection to claims 1, 7 and 13 be reconsidered and withdrawn.

V. Claim Rejections Under Section 112

Claims 1 to 12 have been rejected under 35 U.S.C. §112 as allegedly being indefinite. With respect to the rejection of claim 1, 7 and 12, Applicants do not believe that it is necessary to define the "number of teeth" that the pinion or rack gear have, just as it is not necessary to define the number of the plurality of vanes disposed within the turbocharger. However, to avoid any potential issue of clarity regarding this matter, Applicants have amended these claims to remove the terms "a number of" so that the pinion and rack gears are understood to have teeth.

With respect to claim 2, this claim has been canceled, thereby obviating this rejection.

With respect to claim 5, this claim has been amended to clarify that the movement is thermal expansion movement.

With respect to claim 9, this claim has been canceled, thereby obviating this rejection.

In view of the above, Applicants respectfully request that the rejection of these claims under 35 U.S.C. §112 be reconsidered and withdrawn.

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VI. Claim Rejections Under Section 102

Claims 1 to 13 have been rejected under 35 U.S.C. §102 as being allegedly anticipated by Hefler. Initially, Applicants would like to note that they have amended independent claims 1, 7 and 13 to clarify that the invention includes a gear member that is movably coupled to the unison ring (claim 1), or that the invention includes means for maintaining engagement of gear members by an attachment mechanism between the unison ring and its gear member (claim 7), or that the invention includes a gear member that is movably attached to the unison ring (claim 13). Applicants submit that independent claim 12 already recites the feature that the gear rack is movably attached to the unison ring.

Thus, Applicants wish to clarify that the actuation assembly of its invention generally includes a gear member that is not integral with, but that is intentionally provided as a separate member that is movably coupled or attached to the unison ring in a manner that is calculated to permit a desired degree gear-to-gear engagement during thermal expansion/contraction of the unison under turbocharger operating conditions. As indicated in the written description, this feature is provided for the purpose of avoiding unwanted binding between the gear members that can occur between fixed actuator and unison ring gear members due to unison ring thermal expansion.

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Hefler discloses a guide vane mechanism comprising a plurality of movable vanes that are moved in unison by a drive ring (26). The drive ring is mounted against a stationary plate (19) and includes a gear segment (34) positioned along an inside diameter of the ring. The gear segment (34) is engaged with a pinion (35) that causes the ring to move, which in turn causes the vanes 24 to move.

Unlike the claimed invention, Hefler discloses and illustrates a drive ring (26) having an integral gear segment. Hefler fails to disclose or remotely suggest the invention as recited in the pending claims comprising a gear member that is movably attached or coupled to the unison ring. Accordingly, because the gear segment is integral with the drive ring, thermal expansion of the drive ring during turbocharger operation can and likely will cause the tolerance between the gear segment and pinion to close, and possibly cause undesired binding.

To be a properly anticipating, a cited reference must disclose each and every feature recited in the challenged claim. Here, because Hefler fails to disclose the feature noted above, Applicants submit that the invention as recited in independent claims 1, 7, 12 and 13 are novel over Hefler and, for this reason, respectfully request that the rejection of these independent claims, and the claims depending therefrom, under 35 U.S.C. §102 be reconsidered and withdrawn.

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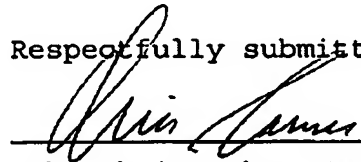
VII. Conclusion

For the reasons presented above, Applicants respectfully request that the objection to the drawing, the objections to the abstract, specification, and claims, and the rejections of the claims under 35 U.S.C. §112 and §102 be reconsidered and withdrawn, and that the claims pending in this patent application be passed to allowance.

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Respectfully submitted,



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